

REMARKS

Applicants hereby submit this Amendment and Response in light of the reference and comments provided by the Examiner in the Office Action dated March 25, 2005. It is respectfully submitted that the remarks made herein in response to the Examiner's comments place the application in condition for allowance.

As an initial matter, Applicants have amended Claims 1, 18 and 19 to correct the informalities noted by the Examiner. Further, Applicants have amended Claim 17 to provide proper antecedent basis for the phrase "the plurality of electrodes" so as to overcome the indefiniteness rejection delivered by the Examiner under 35 U.S.C. §112. Applicants have also amended the claims to correct spelling errors.

In the Office Action, the Examiner rejected Claims 1, 2, 4-9 and 11-19 (the "Claims") of this patent application under 35 U.S.C. § 102(e) in view of U.S. Patent Application No. 2003/0070919 A1 ("the Gilmore Application"). The Gilmore Application was filed on October 10, 2002, and claims a priority date based on a provisional application having U.S. Patent Application No. 60/329289 filed October 12, 2001 ("the Gilmore Provisional Application"). Exhibit A of this Response is a copy of the Gilmore Provisional Application. Exhibit B of this Response is a copy of the Gilmore Application.

Applicants respectfully submit that the Gilmore Application contains additional subject matter not found in or supported by the Gilmore Provisional Application to which it claims priority. This additional subject matter, which is found on pages 16-26 of the Gilmore Application, relates to a plate and frame apparatus for use in an electrocoagulative reaction chamber.

This additional subject matter is the basis for the Examiner's Section 102 rejection of Applicants' aforementioned Claims. Because the additional subject matter was not included in or supported by the provisional filing, Applicant respectfully submits that the priority date for this additional subject matter is the filing date of the non-provisional Gilmore Application, *i.e.*, October 10, 2002, and not the filing date of the Gilmore Provisional Application.

Applicants would like to inform the Examiner that the presently claimed invention was first conceived and reduced to practice with reasonable due diligence prior to October 10, 2002. Thus, the Gilmore Application is not available as a prior art reference for the rejection of the Claims under 35 U.S.C. §102. Applicants hereby submit Declarations by the inventors under 37 C.F.R. §1.131 to establish invention of the subject matter of Claims 1, 2, 4-9 and 11-19 prior to the effective date of the Gilmore Application, accompanied by copies of supporting documents as shown in the Exhibits to one of the Declarations. Applicants also submit a Declaration from the attorney responsible for prosecuting this application regarding the authenticity of certain of the Exhibits.

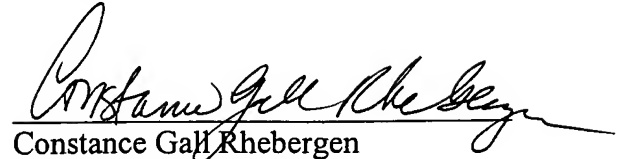
In commenting upon the reference and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the reference and the present invention have been mentioned, even though such differences may not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims. Not all of the distinctions between the prior art and Applicants' present invention have been made by Applicant. For the foregoing reasons, Applicants reserve the right to submit additional evidence showing the distinctions between Applicants' invention and the prior art.

The foregoing remarks are intended to assist the Examiner in re-examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the invention that render it patentable, being only examples of certain advantageous features and differences that Applicants' attorney chooses to mention at this time.

CONCLUSION

In view of the above remarks, Applicants submit that the present invention is in condition for allowance. As such, the issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Constance Gall Rhebergen", written over a horizontal line.

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